

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of

2

Complete if Known

Application Number	10/783,603
Filing Date	February 19, 2004
First Named Inventor	Robert E. Grove
Art Unit	3739
Examiner Name	David M. Shay
Attorney Docket Number	2502187-991200

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. § 1.56(a) and 37 C.F.R. § 1.97, Applicant(s) hereby make of record the references listed on the accompanying Form SB/08a, SB/08b for consideration by the Examiner in connection with the examination of the above-identified patent application.

This Information Disclosure Statement:

- (a) ☐ accompanies a new patent application submitted herewith.
- (b) ☐ is filed within three (3) months of the Filing Date or before the mailing date of a First Office Action on the merits; **OR**
- (c) ☒ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned prior to the mailing date of either a final rejection or a notice of allowance, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below **OR**
- (d) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, and the issue fee has not been paid, and is accompanied by the requisite petition fee (\$130) set forth in 37 CFR § 1.17(l)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below.
This document is to be considered as a petition requesting consideration of the information disclosure statement.

As required under § 1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]:

- (e) ☐ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
- (f) ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

It is respectfully requested that each of the references shown on the attached PTO/SB/08a and PTO/SB/08b be made of record in this application.

Pursuant to notice entitled "Information Disclosure Statements May Be Filed Without Copies Of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," *Off. Gaz. Pat. Office* 55 (August 5, 2003), no copies of U.S. Patents and U.S. Published Patent Applications are being supplied with this Information Disclosure Statement.

The Examiner is hereby informed that this application is also related to PCT application no. PCT/US2004/05014, filed on February 19, 2004, PCT publication no. WO 2004/075718 A2.

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		Art Unit	3739
		Examiner Name	David M. Shay
Sheet 2	of 2	Attorney Docket Number 2502187-991200	

Each item of information listed in the attached FORM PTO/SB/08a, and FORM PTO/SB/08b may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR 1.56, 1.97 and 1.98. The Examiner is requested to make these items of official record in this application.

This Information Disclosure Statement under 37 CFR 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this submission as a conditional petition for acceptance of the information disclosure statement.

The Commissioner is authorized to charge any deficiencies and credit any overpayment of fees to our Deposit Account No. 07-1896.

Date:

Jan. 15, 2005

Respectfully submitted,

DLA Piper Rudnick Gray Cary US LLP

By: Gerald T. Sekimura

Reg. No. 30,303

Attorneys for Applicant(s)

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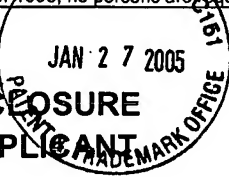
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1/24/05
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Ta-Tanisha Moore
Ta-Tanisha Moore

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Sheet	1	of	7	Attorney Docket Number	2502187-991200

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-4,232,678	11-11-1980	Skovajsa	
		US-4,551,628	11-05-1980	Grossman	
		US-4,592,353	06-03-1986	Daikuzono	
		US-4,690,141	09-01-1987	Castel	
		US-5,057,104	10-15-1991	Chess	
		US-5,059,192	10-22-1991	Zaias	
		US-5,075,971	12-31-1991	McCambridge	
		US-5,109,465	04-28-1992	Klopotek	
		US-5,401,270	03-28-1995	Mueller	
		US-5,405,368	04-11-1995	Eckhouse	
		US-5,431,647	07-11-1995	Purcell, Jr.	
		US-5,486,172	01-23-1996	Chess	
		US-5,700,240	12-23-1997	Barwick, Jr.	
		US-5,728,090	03-17-1998	Martin	
		US-5,743,901	04-28-1998	Grove	
		US-5,820,625	10-13-1998	Izawa	
		US-5,824,023	10-20-1998	Anderson	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Number Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		FR 2 665 366	02-07-1992	Rameil		
		DE 196 29 978 A1	01-29-1998	Renner		
		EP 0 933 096 A2	08-04-1999	Wynne		
		JP11-244295	09-14-1999	Hirosuke		
		JP2000 300683	10-31-2000	Shimoji		
		EP 1 116 476 A2	07-18-2001	Conn		
		CN 2442726U	08-15-2001	Jianping		
		EP 1 168 535 A1	01-02-2002	Shimonaka		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		US-5,871,521	02-16-1999	Kaneda	
		US-5,885,273	03-23-1999	Eckhouse	
		US-6,059,765	05-09-2000	Cole	
		US-6,096,029	08-01-2000	O'Donnell, Jr.	
		US-6,138,041	10-24-2000	Yahia	
		US-6,160,831 B1	01-02-2001	Khan	
		US-6,188,495 B1	02-13-2001	Inoue	
		US-6,197,020 B1	03-06-2000	O'Donnell, Jr.	
		US-6,228,074 B1	05-18-2001	Almeida	
		US-6,273,884 B1	08-14-2001	Altshuler	
		US-6,277,111 B1	08-21-2001	Clement	
		US-6,280,438 B1	08-28-2001	Eckhouse	
		US-6,290,713 B1	09-18-2001	Russell	
		US-6,440,122 B1	08-27-2002	Shimoji	
		US-6,441,943 B1	08-27-2002	Roberts	
		US-6,508,813 B1	01-21-2003	Altshuler	
		US-6,511,475 B1	01-28-2003	Altshuler	

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		EP 0 761 257 A2	03-12-2003	Shinichi		
		WO 03/049633 A1	06-19-2003	Slatkine		

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		US-6,514,242 B1	02-04-2003	Vasily	
		US-6,516,013 B1	02-04-2003	Patzel	
		US-6,517,532 B1	02-11-2003	Altshuler	
		US-6,533,775 B1	03-18-2003	Bizoui	
		US-6,548,781 B1	04-15-2003	Brunwinkel	
		US-6,563,853 B2	05-13-2003	Heist	
		US-6,641,044 B2	11-04-2003	Plesko	
		US-6,666,856 B2	12-23-2003	Connors et al.	
		US-2002/0005475 A1	01-17-2002	Zenzie	
		US-2002/0015430 A1	02-07-2002	Osmanow	
		US-2002/0031160 A1	03-14-2002	Desor	
		US-2002/0091377 A1	07-11-2002	Anderson	
		US-2002/0097587 A1	07-25-2002	Krietzman	
		US-2002/0128635 A1	09-12-2002	Altshuler	
		US-2003/0004499 A1	01-02-2003	McDaniel	
		US-2003/0032950 A1	02-13-2003	Altshuler	
		US-2003/0046825 A1	03-13-2003	Slingo	

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Sheet	4	of	7	Attorney Docket Number	2502187-991200

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		US-2003/0050561 A1	03-13-2003	Bazin et al.	
		US-2003/0094714 A1	05-22-2003	Buazza et al.	
		US-2003/0105069 A1	06-05-2003	Robinson et al.	
		US-2003/0133292 A1	07-17-2003	Mueller et al.	
		US-2003/0138249 A1	07-24-2003	Merola et al.	
		US-2003/0146122 A1	08-07-2003	Westfield et al.	
		US-20030169400 A1	09-11-2003	Buazza et al.	
		US-2003/0177657 A1	09-25-2003	Andis	
		US-2003/0233138 A1	12-18-2003	Spooner	
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				Art Unit	3739
				Examiner Name	David M. Shay
Sheet	5	of	7	Attorney Docket Number	2502187-991200

NON PATENT LITERATURE DOCUMENTS			
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		DAVID SLINEY, et al., Safety with Lasers and Other Optical Sources, A Comprehensive Handbook, Plenum Press (1980)	
		HODE, L, "Are lasers more dangerous than IPL instruments?" Lasers in Surgery and Medicine, Supplement 15, 2003, p.6;	
		Harnessing Light to Treat Stretch Marks and Other Hypopigmented Scars, Skin & Racing, Supplement to November 2002, pages 1-4.	
		Predicate Devices: LightSheer Diode Laser System by Star Medical/Coherent Star in 1997, K973324, K982940, K001746	
		Predicate Devices: SLP 1000 (LC 100) Diode Laser of Palomar Medical Technologies, K010580, K011747	
		Predicate Devices: Apex 800 Pulsed Diode Laser of IRIDEX Corporation, K020849	
		Predicate Devices: F1 Pulsed Diode Laser of Opus Medical, Inc., K030235	
		IEC Technical Report 60825-8, Safety of Laser Products – Guide for the Safe Use of Medical Laser Equipment	
		International Standard IEC 60825.1, Safety of Laser Products – Part 1: Equipment Classification, Requirements and User's Guide," Edition 1.2, August 2001, p. 11; p. 40, NOTE 2, Sub-note D; p. 52; p. 79	
		Predicate Devices: LightSheer Diode Laser System manufactured by Lumenis, Ltd.	

Examiner Signature		Date Considered	
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		Predicate Devices: Quantum Flash Lamp System manufactured by Lumenis, Ltd.	
		Predicate Devices: CoolGlide Excel YAG Laser by Altus, Inc.	
		Predicate Devices: Devices by Ya-Man, Ltd., of Tokyo, Japan.	
		Class I Laser Device under the Guidelines of the U.S. Food and Drug Administration Center for Devices and Radiological Health	
		Predicate Devices: Oriel Instruments Model 48010, by Spectra-Physics, Stratford, CT	
		Predicate Devices: Panasonic part no. P-170SCW, or HHR300SCP Ni-MH Rechargables, Panasonic P-170SCR P NiCd, by Panasonic Matsushita Electric Corporation of America, Secaucus, NJ	
		Predicate Devices: Laser Diode Bar Packages, part no. ASM06C040W080810B80, Cutting Edge Optronics, of St. Charles, MO	
		Predicate Devices: Part no. HX8-101 or FAN-101, or CP 0.8-31-06L, from Melcor	
		Predicate Devices: PIC18LF452, manufactured by Microchip Technologies of Chandler, AZ	
		Predicate Devices: Transistors IRL3716 (International Rectifier Corp., El Segundo, CA)	

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		BROWN, EARLE, Modern Optics, Reinhold Publishing Corporation, 1065, p. 225	
		Micro Touch Trimmer website, www.assenontvwork.com/vcc/ideavillage/microtouch/104917 , printed December 4, 2003	
		Palomar Super Long Pulse Diode Laser System, Clinical Data, Palomar medical Technologies brochure.	

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